

**NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
OPEN BOARD MINUTES
September 10, 2003**

The meeting of the New Jersey State Board of Medical Examiners was held on September 10, 2003 at the Richard J. Hughes Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order at 9:00 a.m. by David M. Wallace, M.D., President.

PRESENT

Board Members Chen, Criss, Farrell, Haddad, Lucas, Moussa, Patel, Paul, Perry, Ricketti, Robins, Rokosz, Trayner, Wallace, Walsh and Weiss.

EXCUSED

Board Members Desmond, Harrer, and Huston.

ALSO PRESENT

Assistant Attorney General Sharon Joyce, Deputy Attorneys General Dick, Gelber, Levine, Kenny and Warhaftig; Medical Director Gluck and Executive Director Roeder

STATEMENT CONCERNING ANNUAL NOTICE OF PUBLIC MEETINGS

The requirements of the "Open Public Meetings Act" have been satisfied by notice of this meeting given in the annual notice adopted by the New Jersey State Board of Medical Examiners on October 9, 2002 which was transmitted to the ATLANTIC CITY PRESS, STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 29th day of October 2002.

ANNOUNCEMENTS

Dr. Robins announced that a new Preliminary Evaluation Committee is in the process of being formed. The Committee will meet in Newark on either the second Tuesday or Thursday of the month. Board members assigned to this Committee include Drs. Robins, Lucas and Trayner and Mr. Weiss. He requested that any other Board members who could be available on an as needed basis should contact Mr. Roeder.

Dr. Wallace informed the Board that the Executive Committee continued to review the Petition for Rulemaking received from the Medical Society. The Executive Committee has reached out to the Attorney General and the Director of the Division of Consumer Affairs requesting a meeting on the issue of malpractice insurance. The matter will be discussed by the Executive Committee at its September meeting.

Dr. Wallace also informed the Board that MRAC has been selected as the outsourcing entity to process the applications received relating to the Alternative Privileges. The Division of Consumer Affairs will be sending out a postcard to all licensees informing them of the requirements and the application process. It is anticipated that a telephone number will also be available later in the month.

Credentials Meeting

Monday, September 15, 2003 - Arthur Perry, M.D.

Monday, October 20, 2003 - James C. Ricketti, D.P.M.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE AUGUST 13, 2003 OPEN BOARD MINUTES.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE AUGUST 18, 2003 OPEN CREDENTIALS COMMITTEE MINUTES.

The Board also referred the issue of the licensing process for those applicants who are involved in the administrative aspect of practice. It questioned whether an appearance prior to licensure in these matters is necessary.

Drs. Chen, Lucas and Moussa entered the meeting.

NEW BUSINESS

1. AMERICAN SOCIETY OF DERMATOLOGIC SURGERY

Attached was a request from the American Society of Dermatologic Surgery concerning the licensing requirements for physicians not licensed in New Jersey to gain hands-on surgical experience during CME courses being conducted in New Jersey. The Executive Committee reviewed this request and recommended that the out of state physicians should be required to meet all the requirements for a temporary license in the State of New Jersey. Those requirements were attached.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REFER THE MATTER TO THE EXECUTIVE COMMITTEE FOR FURTHER REVIEW. THE BOARD HAD CONCERNS THAT THE REQUIREMENTS FOR A TEMPORARY LICENSE WERE NOT APPLICABLE IN THIS CONTEXT. IT REQUESTED THAT THE EXECUTIVE COMMITTEE REVIEW THESE REQUIREMENTS TO DETERMINE WHETHER THEY NEED FURTHER REFINEMENT SPECIFIC TO THIS PROPOSED FACT PATTERN.

OLD BUSINESS

2. AMENDMENT TO N.J.A.C. 13:35-6.14 DELEGATION OF PHYSICAL MODALITIES TO A LICENSED HEALTH CARE PROVIDER OR AN UNLICENSED PHYSICIAN AIDE

In the past couple of years, the issues of laser and the delegation to other professionals (i.e., a licensed nurse) have been considered by the Board. Periodically, the Board office receives inquiries in particular, who may perform laser-based hair removal. Consistently, the response has been that although no regulations are in place, the Board considers this the practice of medicine and cannot be delegated. Attached for the Board's consideration at last month's meeting was a proposed amendment to N.J.A.C. 13:35-6.14 which would codify the Board's policy of precluding the delegation of the laser procedures to assisting personnel. The Board tabled decision on the matter and requested that the previously considered definition of laser be included in the proposal. Attached was a revised amendment proposal consistent with the Board's direction.

THE BOARD, UPON MOTION MADE AND SECONDED, AMENDED THE DEFINITION OF LASER TO READ AS FOLLOWS: "LASER" IS DEFINED AS A DEVICE EMITTING ELECTROMAGNETIC RADIATION IN THE VISIBLE LIGHT OR INFRARED SPECTRUM EITHER COHERENT OR INCOHERENT, MONOCHROMATIC OR POLYCHROMATIC FROM WHICH PHOTONS CAUSE A TISSUE INTERACTION WITH A PHOT BIOLOGIC EFFECT, INCLUDING AN INTERACTION IN THE SKIN, ITS LAYERS, OR APPENDAGES. THE BOARD VOTED TO PUBLISH THIS

AMENDMENT IN THE NEW JERSEY REGISTER FOR NOTICE AND COMMENT.

3. LEGISLATION

A 3641 Seeks to prohibit the sale of dietary supplements containing ephedrine alkaloids.

Introduced by Assemblypersons Holzappel (District 10 - Monmouth/Ocean) and Wolfe (District 10 - Monmouth/Ocean) on May 19, 2003 and referred to the Assembly Health and Human Services Committee.

The Board considered this piece of legislation at its June meeting. At that time, D.A.G. Kenny informed the Board that Attorney General Harvey had written a letter to the FDA requesting that it ban the sale of products containing ephidrine. He also informed the Board that Ohio has recently banned it in dietary supplements. FDA has received over 18,000 Adverse Drug Event reports.

The Board voted to support the legislation.

The Administrative Office received the attached correspondence from the New Jersey Association for Acupuncture and Oriental Medicine. The NJAAOM is requesting that the Board is requesting that the Board suggest that the bill be amended with language as provided in the letter.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REAFFIRM ITS PRIOR POSITION AND TO SUPPORT THE LEGISLATION AS IT IS CURRENTLY WRITTEN.

INFORMATIONAL

PUBLIC COMMENT

Alma Saravia, Esquire, representing the Nurse Anesthetists in the State of New Jersey, questioned as to how many applications for alternative privileges had been received. She was informed that as of the meeting date, two applications had been received.

Respectfully submitted,

David M. Wallace, M.D. President